

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

F/V SOFTWARE, L.L.C.,  
Plaintiff(s)

v.

CIVIL ACTION

ASPEN TECHNOLOGY,  
Defendant(s)

NO. 05-11286-PBS

REPORT RE: REFERENCE FOR  
ALTERNATIVE DISPUTE RESOLUTION

TO JUDGE SARIS

SWARTWOOD, C.M.J.

On December 12, 2005 I held the following ADR proceeding:

EARLY NEUTRAL EVALUATION  MEDIATION  
 MINI-TRIAL  SUMMARY JURY TRIAL  
 SETTLEMENT CONFERENCE

All parties were represented by counsel [except \_\_\_\_\_]

The parties were present in person or by authorized corporate officer [except \_\_\_\_\_].

The case was:

Settled. Your clerk should enter a \_\_\_\_\_ day order of dismissal.  
 There was progress. A further conference has been scheduled for \_\_\_\_\_ unless the case is reported settled prior to that date.  
 Further efforts to settle this case at this time are, in my judgment, unlikely to be productive. This case should be restored to your trial list.  
 Suggested strategy to facilitate settlement:

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December 12, 2006  
DATE

/s/Charles B. Swartwood, III  
CHARLES B. SWARTWOOD, III  
CHIEF UNITED STATES CHIEF MAGISTRATE JUDGE

(adrprt. - 01/96)

[adrprt.]